

REMARKS

Applicant respectfully requests reconsideration of the above-captioned application. Two possible, minor grammatical improvements were noted in 1 and 3 and are proposed to be entered by the above. The changes are non-substantive and therefore entry thereof is respectfully requested. The changes only improve readability without necessitating additional search and/or consideration by the Examiner. Also, Applicants note the Examiner's assertion that any suitable paint, including water color, can be used in the brush without affecting the overall operation of the device. Applicants agree and propose to amend the claims to clearly include these possibilities. Because the Examiner has indicated non-reliance on the recitation of "water color" for a determination to patentability, the change should be entered insofar as it will not require an additional search and/or consideration. Accordingly entry thereof is requested.

The Office Action of February 11, 2004, includes a rejection of claims 3 and 4 under 35 U.S.C. § 102(b) as allegedly being anticipated by the newly recited McMillan patent (U. S. Patent No. 717,251) and rejection of claims 1 and 2 under 35 U.S.C. § 103 as allegedly being unpatentable over the McMillan patent. These rejections are respectfully traversed.

The McMillan patent discloses a fountain brush. The McMillan patent requires the alignment of ports c² and d¹, and a cap C as well as alignment of a disk D with a port f¹ in the disk C for it to operate. In the McMillan device, the tube must be turned until marks j on the exterior of the tubes register or are in-line in order for the color fluid to flow. It is respectfully submitted that this is a complicated structure, relative to the present invention, requiring the careful alignment of various marks.

In mark contrast, the present invention provides a simpler operation that does not require additional parts or careful alignment of ports. As recited in claim 1, for instance, the painting brush includes a tube containing color fluid. A cover (e.g., 20, Figure 2) with a discharge hole (e.g., 21) is inserted into a port (e.g., 11) of the tube (e.g., 10). A brush (e.g., 40) is inserted into a brush tube (e.g., 31) integrally formed on the center of a lid (e.g., 30) screw-jointed with the circumference of the port (e.g., 11). The bottom of the brush tube (e.g., 31) engages the discharge hole (e.g., 21) thereby opening and closing the discharge hole. By this simple structure, a twist of the lid 30 will leave the brush tube 31 away from the discharge hole 21 to allow the color fluid to flow into the brush in the brush tube 31. The claimed structure avoids the necessity of carefully aligning various marks or multiple components such as required by the McMillan patent.

The Office's comment that it would have been obvious to "integrally formed the elements of the brush tube and its lid" must be understood in context. As an abstract thought, the integral formation of a part might seem obvious, but in this specific instance it is not. In this instance, the various **separate** elements are required by the operation of McMillan device. The McMillan fountain brush requires the alignment of ports c² and d¹, and a cap C as well as alignment of a disk D with a port f¹ in the disk C for it to operate. Integrally forming these various elements would prevent the on/off operation. Integral formation, in this instance, would not be obvious because the various parts need to be displaced relative to one another as disclosed in the McMillan patent

Hence, Applicants respectfully submit it would not be obvious to make a modification that would debilitate the overall function of the disclosed device in the McMillan patent.

Conclusion

Applicant respectfully requests entry of the foregoing amendments, reconsideration of the outstanding rejections and allowance of the present application. Should any residual issues exist, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

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